

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CECIL L. CHANCELLOR,

Plaintiff,

:

Case No. 3:06-cv-156

-vs-

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

CITY OF DAYTON, OHIO, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 11), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 18, 2007, hereby ADOPTS said Report and Recommendations. Instead of objecting, Plaintiff attempted to file a lay witness list with nine previously unidentified witnesses on the last day of discovery, September 18th; the Magistrate Judge denied the motion for leave to file because Plaintiff did not comply with S. D. Ohio Civ. R. 7.3.

It is therefore ORDERED that this action be dismissed without prejudice, pursuant to Fed. R. Civ. P. 16(f), for repeated failure to comply with the Preliminary Pretrial Order. September 19, 2007.

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge